



AF / 3713

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Reeves

Serial No.: 09/739,503

Filed: December 19, 2000

For: **GOLF ROUND DATA SYSTEM WITH
CELLULAR TELEPHONE AND
PLAYER HELP FEATURES**

Attorney's Docket No. 2986-003

Examiner
Jones, S.
Art Unit 3713

#14 / Reg. for Reconsider (NE)
UNMrga-
1/9/03

Raleigh, North Carolina

December 18, 2002

Commissioner for Patents
Box AF
Washington, D.C. 20231

RECEIVED
DEC 30 2002
TECHNOLOGY CENTER R3700

Response to Final Office Action

In reply to the Office Action mailed October 18, 2002, Applicant submits the following Response. If any fees for the Response are due, Applicant submits that this be considered a Petition therefore, and the Commissioner is hereby authorized to charge Deposit Account 18-1167.

Remarks

The Examiner has maintained the rejection to claims 1-20, 24-41, 45-51, and 81-93 under 35 U.S.C. §103(a) over Reeves in view of Fisher. Respectfully, Applicant traverses the rejections.

Claim 1 is directed to a portable golf round data system, and explicitly requires a microprocessor to "dynamically generate a graphical view of a selected portion of said golf course based on said user's current location" (emphasis added). The term "dynamically generate" as used in claim 1 means that the view is generated "on the fly" based on the golf course data, and is not simply a pre-stored view. Further, the

dynamically generated graphical view is based on the "user's current location" on the golf course, regardless of the lie. This includes, for example, dynamically generating a view that accurately indicates the approach to the currently played hole, even if the user's shot lands on an adjacent fairway (i.e., even if the user must take a shot from a place on the course that is not on the current hole being played). Thus, claim 1 requires generating a view that depicts an actual view of the golf course features adapted to the user's present position. The Examiner admits that Reeves fails to teach this element of claim 1, but incorrectly asserts that Fisher does.

To support the rejection, the Examiner cites a passage found in the Summary section of the Fisher patent, specifically, column 3 of Fisher, lines 55-60. "In addition, the golf computer advantageously includes means responsive to said position location for automatically updating the computer's graphical display to show the geographical features of immediate interest to the golfer." However, a more thorough reading of the Fisher disclosure reveals exactly what is meant by "automatically updating the computer's graphical display." In particular, column 6, lines 28-34 reveals:

Reference is now made to FIGS. 4a-4c, which depict three bird's eye view options--(a) entirety 16a, (b) approach-shot 16b or (c) green 16c--for displaying the layout of each hole on the golf computer. By having at least three discrete display views, the golfer can more easily visualize only those obstacles ahead of him enroute to the hole (emphasis added) (Fisher, column 6, lines 28-34).

Further, column 7, line 66 – column 8, line 1 reveals, "Depending on the result of a position query 140, the golf computer displays either the green screen 142, approach screen 143 or hole screen 144" (emphasis added). Thus, the fact that Fisher teaches automatically updating a graphical display means nothing. It is limited to only three distinct display views - the green screen, approach screen, or the hole (i.e., entirety) screen.

Automatically updating a graphical display with one of three pre-determined views retrieved from memory as taught by Fisher falls far short of satisfying the claim 1 requirement of dynamically generating a graphical view based on the user's current location. For one, the number of pre-determined views in the device of Fisher are limited, and may not depict the features of particular interest to the user, as the user would see those features from the user's vantage point. In sharp contrast, Applicant's claimed dynamic generation shows the user the golf course from the vantage point of the user, from anywhere on the course. Moreover, a predetermined view is not dynamically generated based on a user's current location, but rather, generated in advance and stored in the user's device prior to the start of the golf round without regard to a user's location of the course.

Thus, neither Reeves nor Fisher teach or suggest, alone or in combination, the explicit claim 1 requirement of a microprocessor to "dynamically generate a graphical view of a selected portion of said golf course based on said user's current location," and therefore, the §103 rejection must necessarily fail. Accordingly, Applicant respectfully requests the allowance of claim 1, and its dependent claims 2-31, 86-87, and 93.

Likewise, claim 32 explicitly requires "a processor to perform calculations using said user's current location and the location of at least one golf course feature to dynamically generate location dependent course information...[and] a display to display said location dependent course information." As stated above, neither Reeves nor Fisher teach or suggest, alone or in combination, dynamically generating graphical displays. Thus, for similar reasons stated with respect to claim 1, neither Reeves nor Fisher teach or suggest, alone or in combination, claim 32. Respectfully, Applicant requests the allowance of claim 32, and its dependent claims 33-51, 81-85, and 88-92.

In addition to independent claims 1 and 32, there are several dependent claims worthy of specific mention. Claim 8 requires the graphical display to "show the direction in which the user intends the ball to travel due to the next stroke." To support this rejection, the Examiner relies on the same passage cited to reject claim 1. However, at most, the cited passage teaches automatically updating the graphical display to show "geographical features of immediate interest" and, as stated above, only with one of three distinct views. It says nothing about showing the intended direction of the next ball, and in fact, never even mentions the ball. Thus, Applicant is confused as to where the Examiner finds support to reject claim 8. Certainly, it doesn't come from either Reeves or Fisher. However, if the Examiner insists on maintaining the rejection to claim 8, Applicant respectfully requests that the Examiner provide proof that the cited art teaches showing a graphical representation of "the direction in which the user intends the ball to travel due to the next stroke."

Claim 11 requires the graphic display to show "a representation of forces on a ball on said green along a line between said user position and said cup," while claim 92 requires "a representation of forces acting on a golf ball." Further, claim 31 requires the graphic display to "show a user information on the break of a putt from a straight line extending from said user's position on a green to the cup in said green," and claim 51 contains language similar to that of claim 31. Applicant directs the Examiner's attention to Figure 4b for a visual depiction of the subject matter of claims 11, 31, 51, and 92. While the Fisher patent may show a green screen, it fails to teach showing the forces that may act on the golf ball. Even the "practice shot" command of Fisher fails to teach showing the forces that act on the ball. In contrast, the practice shot command shows only the predicted results of a hypothetical shot, simulating the stroke capabilities of the user, during idle time, at home (i.e., not during play) (see Fisher, column 11, lines 5-13).

This aspect of Fisher requires a "replay unit" that, according to Fisher, is a "video game" (see Fisher, column 9, lines 6-14). The ability to play a "video game" of golf, hypothetical or otherwise, does not teach showing the forces that may act on the ball during play.

Claim 28 explicitly requires the graphic display to "indicate the region on the course within which the ball will probably rest following the user's next stroke" (emphasis added), while claim 90 requires the graphic display to indicate "a probable landing zone for a golf ball on the next stroke taken by the user" (emphasis added). As stated above with respect to claims 11 and 92, the practice shot command occurs only when using a replay unit *after* the game is complete (i.e., after all the strokes are taken and registered). However, showing a user what could have happened after taking the stroke does not teach or suggest showing a user what could possibly happen before taking the next stroke.

The above facts notwithstanding, the Examiner has not addressed the rejections to claims 11, 28, and 90 based on the merits. Instead, the Examiner appears to assert that Applicant's last Response¹ attempts to read limitations from the specification into the claims. Applicant is fully cognizant that limitations from the specification should not be read into the claims, however, the Examiner must be aware that the claims are to be interpreted in light of the specification. The Examiner's answer to Applicant's last remarks say nothing about why Reeves and/or Fisher allegedly obviate the subject matter of these claims. Rather, the Examiner merely states that terms in Applicant's remarks do not appear in the rejected claims. However, why should they? Are Applicant's remarks constrained to language used only in the rejected claims? This is not proper. Applicant is merely explaining why the claims are patentable over the cited

¹ Applicant's Response dated July 12, 2002.

art in terms supported by the specification. Thus, the Examiner appears to have rejected at least claims 11, 28, and 90 without offering a reason supported by concrete evidence of record as to why these claims were rejected. As such, the §103 rejection to these claims is improper, and does not allow Applicant due opportunity to properly respond.

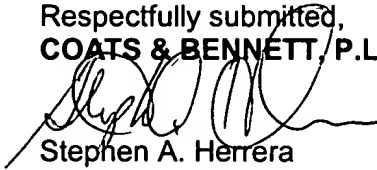
Further, claim 93 recites that the graphical view comprises a selected portion of the course between the user's current location and the target hole. This limitation further defines how the user's current location is used in the present invention to dynamically generate a graphical view. By showing a selected portion of the course between the user's current location and the target hole, the view is necessarily scaled and rotated to show the view from a vantage point appropriate for the user's current location. Neither Reeves nor Fisher teach or suggest, alone or in combination, the subject matter of claim 93, and the Examiner never asserts that they do. That is, while the Office Action conspicuously rejects claim 93, it is devoid of any narrative citing support for the rejection.

Therefore, neither Reeves nor Fisher, alone or in combination, teach or suggest the subject matter of claims 8, 11, 28, 31, 51, 90, and 92-93 and as such, the §103 rejection fails. Accordingly, Applicant requests the allowance of claims 8, 11, 28, 31, 51, 90, and 92-93.



Application Serial #: 09/739,503
Response to OA Mailed: June 19, 2002

Finally, the Examiner also maintains the rejections to claims 21-23, and 42-44 under 35 U.S.C. §103(a) over Reeves in view of Fisher in further view of Lobsenz. However, the Examiner admits that neither Reeves nor Fisher teach or suggest the subject matter of these claims, and the addition of Lobsenz does nothing to remedy those deficiencies. Accordingly, Applicant requests the allowance of claims 21-23, and 42-44.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.
By: 
Stephen A. Herrera
Registration No. 47,642
Telephone: (919) 854-1844

RECEIVED
DEC 30 2002
TECHNOLOGY CENTER R3700

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL ON THE DATE INDICATED BELOW, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, BOX AF, WASHINGTON, D.C. 20231.

SIGNATURE:  _____

DATE MAILED: 12/18/2002